

HONORABLE BENJAMIN H. SETTLE

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WILD FISH CONSERVANCY; and WILD  
SALMON RIVERS d/b/a THE  
CONSERVATION ANGLER,

Plaintiffs,

v.

NATIONAL MARINE FISHERIES SERVICE;  
*et al.*,

Defendants.

Case No. 3:24-cv-05296-BHS

PLAINTIFFS, FEDERAL DEFENDANTS,  
OREGON DEFENDANTS, AND CLATSOP  
COUNTY DEFENDANTS' JOINT  
MOTION TO DISMISS ALL REMAINING  
CLAIMS

NOTE ON MOTIONS CALENDAR:  
April 14, 2025

The remaining parties to this case hereby jointly move to dismiss all remaining claims in this litigation.

Four categories of parties remain in this action:

1. Plaintiffs Wild Fish Conservancy and Wild Salmon Rivers d/b/a The Conservation Angler (collectively, "Conservation Groups");
2. Defendants National Marine Fisheries Service, Emily Menashes,<sup>1</sup> in her official capacity as the Assistant Administrator for NOAA Fisheries, the U.S. Department of Commerce, and Howard Lutnick, in his official capacity as the United States Secretary of Commerce (collectively, Federal Defendants");

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<sup>1</sup> Various officials have replaced prior officials under Rule 25(d).

3. Debbie Colbert, in her official capacity as the Director of the Oregon Department of Fish and Wildlife, Becky Hatfield-Hyde, in her official capacity as a member of the Oregon Fish & Wildlife Commission, Leslie King, in her official capacity as a member of the Oregon Fish & Wildlife Commission, Mary Wahl, in her official capacity as a member of the Oregon Fish & Wildlife Commission, Robert Spelbrink, in his official capacity as a member of the Oregon Fish & Wildlife Commission, Mark Labhart, in his official capacity as a member of the Oregon Fish & Wildlife Commission, Dallas Hall Defrees, in her official capacity as a member of the Oregon Fish & Wildlife Commission, and VACANT SEAT, in their official capacity as a member of the Oregon Fish & Wildlife Commission (collectively, “Oregon Defendants”); and

4. Clatsop County Fisheries, Steve Meshke, in his official capacity as the Natural Resources Manager for Clatsop County Fisheries, Clatsop County, Oregon, and Don Bohn, in his official capacity as the County Manager of Clatsop County Oregon (collectively, “Clatsop County Defendants”).

The Conservation Groups previously resolved their claim against another set of defendants—Kelly Susewind, in his official capacity as the Director of the Washington Department of Fish & Wildlife, et al. (collectively, “Washington Defendants”)—through a consent decree entered by the Court. *See* Dkt. No. 75.

Since this lawsuit was filed, the National Marine Fisheries Service has issued two new biological opinions under the Endangered Species Act that are relevant to the existing claims. *See* Dkt. Nos. 85-1, 90. Due, in part, to those new agency decisions, the Conservation Groups, Federal Defendants, Oregon Defendants, and Clatsop County Defendants hereby stipulate to and jointly move for dismissal of all remaining claims, with those parties bearing their own costs and attorneys fees.<sup>2</sup>

RESPECTFULLY SUBMITTED this 14th day of April 2025.

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<sup>2</sup> This motion does not affect the previously resolved claim against the Washington Officials Defendants or the consent decree pertaining thereto. *See* Dkt. No. 75.

1           **LCR 7(e)(6) Certification:** I certify that this memorandum contains 420 words, in  
2 compliance with the Local Civil Rules.

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